

SENATE BILL No. 101

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47-2-3.

Synopsis: Handgun fee exemption for retired police officers. Provides that the legislative body of a municipality or county may by ordinance eliminate the payment of a fee for an application for a handgun license by the following officers of the state or of the United States who have been honorably retired by a lawfully created pension board or the equivalent after at least 20 years of service or because of a disability: (1) Police officers. (2) Sheriffs and their deputies. (3) Law enforcement officers. (4) Correctional officers.

Effective: July 1, 1999.

Skillman

January 6, 1999, read first time and referred to Committee on Corrections, Criminal and Civil Procedures.



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First Regular Session 111th General Assembly (1999)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 1998 General Assembly.

SENATE BILL No. 101

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-2-3 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 3. (a) A person desiring
3 a license to carry a handgun shall apply:

4 (1) to the chief of police or corresponding law enforcement officer
5 of the municipality in which he resides;

6 (2) if that municipality has no such officer, or if the applicant does
7 not reside in a municipality, to the sheriff of the county in which
8 he resides after he has obtained an application form prescribed by
9 the superintendent; or

10 (3) if he is a resident of another state and has a regular place of
11 business or employment in Indiana, to the sheriff of the county in
12 which he has a regular place of business or employment.

13 (b) **Except as provided in subsection (h)**, the law enforcement
14 agency which accepts an application for a handgun license shall collect
15 a ten dollar (\$10) application fee, five dollars (\$5) of which shall be
16 refunded if the license is not issued. Except as provided in subsection
17 (g), the fee shall be:



(1) deposited into the law enforcement agency's firearms training fund or other appropriate training activities fund; and

(2) used by the agency for the purpose of:

(A) training law enforcement officers in the proper use of firearms or other law enforcement duties; or

(B) purchasing for the law enforcement officers employed by the law enforcement agency firearms, or firearm related equipment, or both.

The state board of accounts shall establish rules for the proper accounting and expenditure of funds collected under this subsection.

(c) The officer to whom the application is made shall ascertain concerning the applicant his name, full address, length of residence in the community, whether his residence is located within the limits of any city or town, occupation, place of business or employment, criminal record, if any, and convictions (minor traffic offenses excepted), age, race, sex, nationality, date of birth, citizenship, height, weight, build, color of hair, color of eyes, scars and marks, whether the applicant has previously held an Indiana license to carry a handgun and, if so, the serial number of the license and year issued, whether his license has ever been suspended or revoked, and if so, the year and reason for the suspension or revocation, and the applicant's reason for desiring a license. The officer to whom the application is made shall conduct an investigation into the applicant's official records and verify thereby the applicant's character and reputation, and shall in addition verify for accuracy the information contained in the application, and shall forward this information together with his recommendation for approval or disapproval and one (1) set of legible and classifiable fingerprints of the applicant to the superintendent.

(d) The superintendent may make whatever further investigation he deems necessary. Whenever disapproval is recommended, the officer to whom the application is made shall provide the superintendent and the applicant with his complete and specific reasons, in writing, for the recommendation of disapproval.

(e) If it appears to the superintendent that the applicant has a proper reason for carrying a handgun and is of good character and reputation and a proper person to be so licensed, he shall issue to the applicant a qualified or an unlimited license to carry any handgun lawfully possessed by the applicant. The original license shall be delivered to the licensee. A copy shall be delivered to the officer to whom the application for license was made. A copy shall be retained by the superintendent for at least four (4) years. This license shall be valid for a period of four (4) years from the date of issue. The license of police



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officers, sheriffs or their deputies, and law enforcement officers of the United States government who have been honorably retired by a lawfully created pension board or its equivalent after twenty (20) or more years of service, shall be valid for the life of such individuals. However, such lifetime licenses are automatically revoked if the license holder does not remain a proper person.

(f) A license to carry a handgun shall not be issued to any person who:

- (1) has been convicted of a felony;
- (2) is under eighteen (18) years of age;
- (3) is under twenty-three (23) years of age if the person has been adjudicated a delinquent child for an act that would be a felony if committed by an adult; or
- (4) has been arrested for a Class A or Class B felony, or any other felony that was committed while armed with a deadly weapon or that involved the use of violence, if a court has found probable cause to believe that the person committed the offense charged.

In the case of an arrest under subdivision (4), a license to carry a handgun may be issued to a person who has been acquitted of the specific offense charged or if the charges for the specific offense are dismissed. The superintendent shall prescribe all forms to be used in connection with the administration of this chapter.

(g) If the law enforcement agency that charges a fee under subsection (b) is a city or town law enforcement agency, the fee shall be deposited in the law enforcement continuing education fund established under IC 5-2-8-2.

(h) The legislative body of a municipality or county may by ordinance provide that the following officers of the state or the United States who have been honorably retired by a lawfully created pension board or the equivalent after at least twenty (20) years of service or because of a disability are exempt from the payment of the fee specified in subsection (b), after applying under subsection (a):

- (1) Police officers.**
- (2) Sheriffs and their deputies.**
- (3) Law enforcement officers.**
- (4) Correctional officers.**

